The bleak headline in the April/May 2001 issue of The L read "NYLS Drops to Fourth Tier." Wow! Bummer! Imagine wrapping up your law school year on that note. The article cites the 2002 U.S. News & World Reports ranking of New York Law School in the fourth tier among law schools nationwide. Student reaction at the time, about the "fall from grace" ranged from those who were unconcerned to those who were contemplating transferring. One consistent theme, however, seemed to prevail: "We are better than that" The rankings game is stacked against all but the top 35% of law schools, Dean Matasar posited. "(W)We will never win the per-capita system they have." Although the U.S. News & World Reports rankings are by far the most well known and the most controversial, there are several other ranking systems. The Gourman Report, put out by Dr. Richard Gourman, a professor at California State University – Northridge, is considered the originator of law school rankings. The latest Gourman report rankings came out in 1997. The Educational Quality Rankings (EQR) are published by Brian Leiter, a professor at the University of Texas law school. According to EQR, its rankings focus "exclusively on the three factors central to a good education: the quality of the faculty, the quality of the student body, and the quality of the teaching." The Insider's Guide to Law School and the Brennan Rankings, put out by Thomas Brennan, former Chief Justice of the Michigan Supreme Court, only rate the top law schools.

So, that was four years ago. What now? Where do we stand? Do we care? Maybe you are a student who is in a law school in spite of the rankings or perhaps the rankings never factored into your decision process to select a law school. You could be a student who transferred to NYLS from a lower-ranked school or one who was wait-listed at another school or you could be someone who is hoping to transfer to a higher-ranked program as soon as you possibly can. No matter the criticisms leveled at the U.S. News & World Report survey methodology, rankings, like size, do matter.

Because law school rankings have such a "breaking story" aspect, historical information about law school rankings is often difficult to find. The highest NYLS ranking that De Novo was able to confirm was a 1977 report published by National Education Standards, in which NYLS was ranked number 79 among 160 law schools in the United States. In that report, Harvard, University of Michigan, and Yale were ranked numbers one, two, and three, respectively. According to information published in The L, NYLS was at some point ranked as a second tier school, but De Novo was unable to confirm the rankings for specific years.

Even while disparaging the 2002 rankings, NYLS began taking measures to improve its academic standing. In the February 2001 issue of The L, Dean Matasar discussed the correlation between class standing and bar passage rate. He suggested that the school was not doing any

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THE GAME PLAN
by Asha Sarin

So NYLS is not one of the top ten law schools in the country. For now, we can't change that, but there is something you can do to maximize your post-graduation opportunities: Get With The Plan.

We all know that prospective employers still look at academic performance and LSAT scores, believing that these two indicators are great predictors of future success, both at passing the bar as well as being a good attorney. For better or worse, employers gravitate towards graduates of the top ten law schools, but that does not mean that you cannot be a competitive candidate because you do not attend one of those schools. It just means that if you're not coming from one of the top 10 law schools, you need to use a different method in securing employment than a student from one of those schools. You can stand out and the Office of Professional Development has developed a plan to help all NYLS students position themselves as contenders in the legal world.

The Office of Professional Development is composed of the Office of Student Affairs, the Office of Public Service and the Office of Career Services. Utilizing the resources of all three departments can help NYLS gain a competitive edge over other law school graduates.

THE RIGHT PLAN FOR EACH STUDENT

As all of you know, for students in the top third of the class, the Harlan Scholars Program is designed to help those students maximize their position as the "top students" with special programs and institutes. And for those who fall in the bottom third of the class, NYLS has The Comprehensive Plan, which is designed to assist those students with developing strategies and skills necessary for passing the bar and understanding the legal framework. But what if you are in the middle third of your class? What can you do?

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FROM THE EDITORS

THIS EDITION IS A REBIRTH OF THE NYLS STUDENT NEWSPAPER.

WE HOPE YOU ENJOY READING DE NOVO

BUT MORE IMPORTANTLY - WE HOPE THAT YOU COMMENT, CONTRIBUTE AND CONTINUALLY SUPPORT DE NOVO

KEEP DE NOVO ALIVE

SPECIAL THANKS: SALLY HARDING

YOUR SUPPORT HAS BEEN PHENOMENAL!

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De Novo is a student-run newspaper that is published periodically throughout the academic year. The paper welcomes submissions from students, faculty, alumni and any and all other members of the NYLS community. Letters to the Editor, comments and suggestions are welcome as well.

Please address all submissions, letters and any other correspondence to:

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WHY I'M GLAD I'M NOT ON LAW REVIEW
by Abe Fruman

Law Review is a wonderful thing to put on your resume, and, for some people, who lack the drive necessary for independent study projects, it's an opportunity to write a little, and that's nice. What's more, if you make Law Review, you also become a Harlan Scholar, and that's yet another impressive thing to put on your resume - Harlan Scholar. It kind of sounds like Fulbright Scholar, or Rhodes Scholar, but you don't have to go anywhere, or do anything, beyond getting decent grades in your first year. I'm glad that Legal Writing, with all its problems, is so much a part of first year, you simply had to agree that there was something not quite right about a nice American woman like Lucille Ball marrying a Cuban. Thank god, Castro didn't revolt until 1959, or we'd never have seen a single episode of I Love Lucy. When uncertainty abroad and fear at home gripped our nation, Justice Harlan locked the First Amendment in a closet and let the fearmongers have their way.

If Stalin seems excusable, consider the similar situation in the 1920's, the very time when Harlan was studying at our law school. Then, too, America was gripped by fear. Our Attorney General was attacked by a mail bomb, as were dozens of other prominent Americans. Immigrants, with their socialist ways, were immediately suspected, held, and summarily deported, by the thousands. Some would say that those incidents are too different from the threat of nuclear annihilation that faced Justice Harlan in 1959, at the height of the Cold War. (The "Cold War," for those who may not know, was the euphemism of the 1950's and 1960's for the nuclear-themed unpleasanteties between ourselves and the democracy-hating Soviets. It was also, in many ways, the progenitor of the Wars on Crime, Poverty, Drugs, and yes, Terror.)

Today, we face that same threat, but we're more concerned about airplanes and nefarious Islamic-types. September 11th has become a term of art in our world, comparable to nothing. This is a dangerous way of thinking. After all, in 1993, the very same World Trade Center was attacked. Many died, but they were forgotten, as "a new age" began.
THE GAME PLAN
(CONT. FROM PAGE 1)

Develop a professional portfolio and show potential future employers that you have something to offer in terms of legal experience that your competition lacks. It's that simple.

Imagine that you are interviewing with the law firm of your dreams - whether it be a large, mid-size or small firm. What can you do to stand out? Well if you have developed a "professional portfolio," showcasing your past or present legal experience, an employer might consider you a stronger candidate than someone who just has an above average grade point average.

If for example, you gained legal experience doing volunteer legal work (under the auspices of the Office of Public Service), a potential employer would view that experience as significant legal experience. (You can even obtain a certificate of Public Service from NYLS. In order to receive the certificate, a student must complete 40 hours of community service, beginning with your 2L year. Obtaining the certificate or just doing community service helps people who need legal assistance, allows you to obtain legal work experience and makes your resume stand out from others without comparable experience.)

Another factor that would make you a stronger candidate is involvement in student government or student organizations that focus on your areas of interest (under the auspices of the Office of Student Life). An additional component of your "professional portfolio" could be any number of internships, part-time jobs during the school year or summer jobs that you could interview for and obtain through the Office of Career Development.

Realistically, if a student took advantage of all the opportunities that NYLS provides, one might have an impressive portfolio of professional legal work by graduation time - and that would put you in a better position than having no significant legal experience at all.

MORE OPPORTUNITIES

In an attempt to reach more of the student body, the Office of Career Services has been making its presence known this year by consistently advertising opportunities in the Counselor and the email notices that are sent weekly to the student body. The Office is also attempting to encourage more students to sign up for the Alumni Mentorship Program. Alumni can be invaluable resources for gaining information about potential areas of law students may wish to practice.

And don't forget about the various Networking opportunities that NYLS brings to its student body. Do you attend any of the events geared toward specific areas of law? Are you under the impression that you will learn all you need to know later? Well, later is now. You can't wait. Time goes fast and the euphemism "New York Minute" should not be lost on any of us because before we know it, we will all be graduating and looking for our first legal positions.

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Free Booklet

How to Raise Your Scores on the Bar Exam Essays -
Free chapters from Scoring High on Bar Exam Essays,
by Mary Campbell Gallagher, J.D., Ph.D.
Easy to understand, easy to apply. Columbia Law School News
www.BariWrite.com

NO CHILD LEFT BEHIND
(CONT. FROM PAGE 3)

Who better to assess whether children's needs are being met in their schools than parents? Lizette D., the parent of a 4 year old in Universal Pre-Kindergarten, and a 12 year old in 7th grade at a Bronx magnet school, states she has not received very much information about "No Child Left Behind." She understands that parents can take remove a child from a failing school to a different school, but feels is not a good idea because the failing schools are not being improved.

She has also heard of incidents where children won't get into the schools that are not failing if their grades are not good because the schools don't want their scores to drop. She feels her child would do better, but so many programs are being cut due to lack of funding. However, there is a program at her child's school that assists children who need extra help. But Lizette thinks there has been little improvement in this since No Child Left Behind has been implemented. Lizette is fortunate because her child's individualized education program helps her, but there is a lot of hands on learning and emphasis on problem solving; but doesn't believe this would be the case if we were in another public school. One caveat, Lizette feels that her son's needs were met in a magnet school is not related to "No Child Left Behind."

Carolyn Y., the parent of a 4th grade and 8th grade both in public schools in the Bronx. She also states she has not been informed of much information on "No Child Left Behind," but her 6th grader is benefiting from an after school program, created by the Act, where she can receive extra assistance. However, she feels she should be receiving this in the classroom, but because of overcrowded classrooms and teachers' hands being tied because they are forced to teach to a standardized test, her daughter is being pushed away because she grasps in order to pass the standardized tests. She feels this is not what will help her prepare for post secondary education and the work force. She feels her child's individual needs are met in the after school program, but not in the classroom. This is because the standardized test goals that teachers are forced to meet rather than through any fault of the teachers.

Jasmine A., the parent of a 5th and 2nd grader in Bronx public schools, feels the "No Child Left Behind Act" was created for schools in need, offering extra tutoring, money, and allowing parents of children in schools that are performing below standards to have the option of sending the children to schools that are performing at the standard. She feels it is good for parents to have this option and that this can exist while the needs of the failing schools are still being met. She is satisfied with the education her children are receiving, but feels the staff would benefit from more training to meet the children's emotional and educational needs. She feels that since the Act was implemented she has seen more efforts in tutoring and after school programs. However, a high turnover rate of faculty and administration in the school is a big issue, as parents are not informed when this happens, and the children are losing the teachers and staff with whom they feel comfortable, making it harder for them to build a relationship with the next staff member coming in. She feels this is improving since the creation of "No Child Left Behind" and that there is an effort to meet children's individual needs, but they are not yet there.

It seems there are mixed reviews of what the "No Child Left Behind Act" has accomplished and that it is still too early to see exactly what the outcome will be for our children. However, important things such as class size, basic materials, well-trained and not overburdened staff would help the children not only pass the tests, but succeed in life have not yet been addressed. Let's hope these crucial instruments to a child's learning are not forgotten as this legislation continues to be implemented.
If you are in law school you are probably familiar with the guaranteed Federal Stafford loan that is capped at $18,500 a year for graduate and law students. What is not well known is that medical students are capped at $38,500 a year. Why the discrepancy? Although there is no definitive answer, members of the American Bar Association (ABA) Law Student Division (LSD) are working to change this unfair distribution of funds.

This past August, I had the privilege of traveling to Austin for the ABA annual meeting. The Stafford loan cap was a heavily discussed issue. At the LSD general body meeting the delegates informed us about ABA Day on Capitol Hill, where members of the law student division spoke with Senators, members of the House, and other policymakers about this issue. The LSD members that went to ABA Day in Washington, D.C. presented both the positive and negative feedback they received while at Capitol Hill.

The positive feedback seemed to center on the fact that this was the first time that Congress knew of the issue to raise the Stafford loan cap. However, I don't recall anyone mentioning that any members of Congress would do anything about it. It seemed to me that LSD members received more negative feedback. There were a couple of reasons given for the negative feedback. One was that if Congress was to raise the Federal Stafford loan amount for graduate and law students they would have to take the money from some other program. The other reason was that if the loan cap was raised it would encourage law schools to increase tuition.

While Congress expresses concern about balancing the national budget and not expending too much unnecessary federal money, it hasn't had too much difficulty finding money for other things it wanted -- for example, the war in Iraq. So I don't think it would cause such a strain to raise the Stafford loan cap to equal that of medical students. Furthermore, it's not a grant, it's a loan; it has to be paid back. Ever argue, the lack of concern for those who had conflicts with assigned times, the manner in which competitors were notified about whether or not they would advance to the next round of competition, and most of all, the perception that members of the Moot Court Association had an "attitude" and treated competitors like "pledgés" who should be willing to do whatever it takes to be accepted into the exclusive club.

The 2004 Froessel Competition kicked off with "Moot Camp" on Saturday, July 17, 2004. From the viewpoint of some, that is where the hazing began. Moot Camp attendance was not required, but once there, attendees were repeatedly cautioned not to leave early. "If you're really serious about being on Moot Court, you will stay until the end." The implied message seemed to be, a combination of "many are called but few are chosen" and "only the strong survive." There was the constant reminder that participants will drop like flies. The pressure was on.

Those brave souls who decided to continue the journey walked out of Moot Camp with a packet containing the rules and the fact pattern. (The information was also accessible via the Internet.) Partners were assigned. The brief was due Friday, August 20, 2004. Thirty-three days. The pressure raises a notch. The participants started to drop. My first partner decided the following Monday not to continue. I was assigned a new partner. A week later that partner also dropped out. I finally wised up and sought out a friend who had also lost two successive partners, and we became a team. Being diligent legal scholars that we are, we immediately started to work on the brief. Okay, so the truth is that we thought about working on the brief, and we talked about working on the brief, but we didn't actually start putting words to paper until uncomfortably close to the due date. We found ourselves pulling an all-nighter the night before the brief was due. At about 3:00 a.m. an overly caffeinated, and sheer exhaustion caused us to question our sanity. What are we doing? Why are we doing this? Isn't law school punishment enough without adding Moot Court to the mix? The grail was lost. We forged on, managing to survive a fit of uncontrollable, maniacal laughter that attacked us both sometime shortly before dawn. The brief was done.

Then the real fun begins - oral arguments. Preliminary arguments were scheduled for September 7, 8, and 9. Evening students were assured during Moot Camp that every effort would be made to schedule argument times in consideration of their schedules. The general policy seems to be that professors will excuse Froessel competitors from class. Unfortunately, employers may not. Evening students were under the mistaken assumption that "consideration of their schedules" would lead to argument times scheduled in such a way as to minimize conflict with work. This was not the case. I know of two competitors who had to withdraw after being assigned argument times that were completely untenable. While evening students would have benefited from being scheduled to argue at 4:00 p.m. or 6:00 p.m., it did not seem that they were given any preference for those times. The response from the Froessel Chairs when evening students asked about rescheduling arguments to a more convenient time: Basically, too bad - that's what Moot Court is all about. "Foul," cry the students who worked their butts off to prepare a brief only to be effectively excluded from the competition. The Association should have made it clear earlier in the game that it did not intend to give special scheduling consideration to evening students.

Competitors were still dropping out on Day One of the preliminary rounds. One competitor's partner was a no-show on the first day. Another team had to argue without an adversary, because the other team had withdrawn. Once oral arguments actually began, most competitors reported feeling relief that they had their first arguments under their belts and panic because they had to do the same thing again the next day - only this time, a different position would be argued. One aspect that makes the Froessel so challenging, is that competitors must be

Continued on next page
Moot Court

EDITORIAL

Alexander and the Terrible, Horrible No Good, Very Bad Way to Study

or

Why you should Spend your Money on Beer, rather than Books

by Abe Freeman

The other day, I was talking with Katie about the Future, and other such vaguely ominous themes. She wondered what my plans were. I often wonder that, myself. Anyway, Katie being a very successful attorney, as she was a very successful law student, she found herself dumbfounded to hear that I tend not to go to class (although, as a lark, I haven't missed a single class the entire month of January), and that I religiously avoid reading anything assigned. Of course, I make no secret of anything I do, so I'm accustomed to her reaction. However, I think, in talking with Katie, that I understood for the first time why she, and the 99.9% of you who think as she does, find my approach to law school not merely odd, but unsettling. And this is what I learned: people think that I cut class and skip readings because I'm lazy. Of course, because I have something of a Jesus-complex (i.e., I'm into long hair and hookers), I am forever trying to convert anyone who will listen. It never works, because, for all my charm, people think I'm trying to bring them over to the Dark Side, instead of trying to save their souls. Of course, as much fun as Satan seems to be, to judge from the many movies on the subject, he has nothing whatsoever to do with my approach to law school.

The approach can be described in two easy steps. First, don't go to class unless you have to, or, you really, really want to. Second, don't read anything your professor tells you to read, even if you really, really want to. Follow these two steps, and you'll skyrocket to the top of your class. More importantly, you will live a richer, fuller life. Even if you don't believe in living a full life for its own sake, or, worse, even if you're so deluded as to think that some sort of high-paying legal job is a rich and full life, my approach makes sense. Put yourself in the position of a hiring partner. You interview dozens or hundreds of students. Forget about the fact that many go to "better" schools, because you can't do that anymore. Just put that element out of your mind. Are you convinced by my advice, and got decent or even stellar grades anyway. Maybe you managed to make Law Review, and to work a bit in some legal job. So did nearly everyone else who's interviewing now, so, those things aren't going to make you stand out very much. And if you think you need Law Review, etc., just to get the interview, think again. Many people on Law Review don't get many - or any - interviews at big firms. Second, I'm not on Law Review, and there are, at last count, about 190 students (although, thanks to the Way, that number is shrinking fast), whose GPA's are higher than my own. Yet, I have won interviews and nominations that my higher GPA brethren fail to get. Why? Three reasons. My resume is intriguing. My cover letter is compelling. My recommendations are outstanding. And, believe it or not, all three elements owe to but two things: cutting classes and avoiding reading. Or, those elements owe to my having lived an increasingly rich and full life. That life comes across when professors write about me. They have a lot more to say in my behalf than "good attendance and participation - did well on my exam." Of course, my point here is that the rich life, and all its rewards (which, hopefully, amount to more than great cover letters), are the natural and inevitable result of my approach to law school (i.e., the "Way"). They are not things I seek out for their own sake (i.e., I don't hang around asking professors questions after class, etc.). My approach, again, seems absurd to nearly everyone. I don't know that I've made a single convert, and, I grant you, it takes quite a leap of faith to embrace the Way. But let me be clear about something: I am not a slacker. I don't know I work less than the Others, but it seems like I must. I spend about three or four hours a week on one subject, all semester, until about three weeks before exams, and then I spend at least four hours a day preparing for finals. Of course, the

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Do you have something to say?

Drop us a line at denovoceditors@nyls.edu

or

stop by L2

(Lower Level of Student Center)

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New York Law School 2004
Froessel Competition Awards: Best Preliminary Round Oralist, Lynne Zagami; Best Petitioner Brief, Lisa Aliferi and Lynne Zagami; Best Respondent Brief, Wali Raseen and Ledan Chen; Best Final Round Advocates, Dana Agabili and Christine Zervoudakis; Morris Orland Award Winners, Christopher Lesch, Shawn Fabian, Fanny Fikstein, Bass Hilliard, Randy Berman, and Janie Byalik; Best Team, Christine Zervoudakis and Sari Goldmeer

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legal writing
Feeling Alienated by Nerissa Coan

It was quite a relief when I realized that I was not a Democrat. See, I mistakenly thought I was a Democrat, but that the party was stating parts of its platform incorrectly. For example, I was dufounded when Senator Clinton stated, on Hardball, that she favored maintaining the Defense of Marriage Act and before that, Don't Ask Don't Tell. Only now am I realizing that I shouldn't have been surprised. I was supporting the wrong party.

I am going to use this election as a learning experience. It will be my catalyst, the beginning of my search to find a political party that embraces my opinions and beliefs. I feel shamed to have voted for a candidate who is against same-gendered couples being granted the right to marry. As an Atheist, it is also disappointing to have voted for a candidate with a habit of ending speeches with "God Bless America."

The only solution is to vote for a third party. A third party politics is a touchy subject, and many Americans feel that voting for a third party candidate does nothing more than take a vote away from the parties. That puts me in an awkward spot, left voting to prevent Bush from serving a second term rather than to bring in a candidate that I am enthusiastic about. It is clear that I am not alone, and my feelings are best summarized by the slogan, "Anybody But Bush."

I am almost jealous of the fervor with which the Republicans applaud the President following each deception and distortion. He is exactly what they want. The right is fired up because they believe as radical as they want to be, and their representation reflects their beliefs. The religious right came out of the closet, and demanded to be recognized. It is our turn to do the same. We are not a fringe group. There are millions of us.

We talk about wanting radical change, then when the time comes, vote against our principles.

The Republican party platform does not benefit the majority of the country. Their agenda promotes discrimination, and increased religiosity in the American public sphere. These efforts should be opposed vocally, without fear of moral finger pointing.

The idealist party will send a message, loud and clear, that we are firmly against any further blurring of the separation of church and State. Instead of removing the slogan from our currency, the ten commandments from our courthouses, and the word God from our pledge of allegiance. We will fight tooth and nail for an inclusive society, while emblazoning the markings of the majority's religion on our currency and forcing everyone's children to repeat religious propaganda in school.

I did mention that we are immersed in racism and the country is deeply segregated! Instead of taking steps to correct this horrendous practice, people are talking about whether or not discrimination exists. Amazingly enough, there are many who argue that Affirmative Action is no longer necessary.

Instead of asking the question "Does racism still affect Americans?" let's deal with the reality that "racism is prevalent in America and here is what needs to be done to correct it." Any issue that has its side basing their argument on a distortion of "morality" should just be ignored. Otherwise, we find ourselves exactly where we are, with Faith-based initiatives, and bible based policy making. The religious right co-opted the terms "morality" and "morals", and used them to justify discrimination based on the preference of a same-gendered partner or the preference for having a medical procedure legally available. Every time the "right" wants to legislate or create international policy based on the bible, they frame the opposing argument as "immoral," and theirs as "moral." It is important to keep in mind that the religious "right's" catch-phrase is not synonymous with "just" or "humanitarian" or "civilized". Morality vs. immorality has nothing to do with good vs. evil, or right vs. wrong. There is no way to justify denying rights to some, while granting them to others. This practice could never be defended as "good" or "right" or fair or beneficial. But immoral, that is an adjective that could fit.

Despite these recent election results, we the blue states, we are the great trend sweeping the nation. We are the majority of the population. But, we are told that our beliefs are deviant, and our ideals off-kilter.

There is a reason that this dialogue is not going on. It is because we are conditioned to think we are the rag-tag off beat radical minded Americans. We are the counter culture. This is simply not the case. The 51%, with their hatred of science, logic, and reality are the counter culture. Their anarchonic and unrealistic clinging to abstinence as a form of birth control is clearly responsible for widespread pregnancy and transmission of STDs. We are the norm. We are the ones with the morals. We are the ones that are pushing America forward. We are the people who understand the ultimate essential need for inclusion. It is the 51% who are for exclusion. They voted in eleven states to define marriage to limit it to a man and a woman. And they call us radical. I will not stand for it, I will not vote against my gut again.
they lack the intellectual capacity to understand, it's because cases lack the ability to teach law. Or, at least, they lack the ability to teach it effectively. You could learn as much or more as I learn, by reading just the cases you're assigned, but Lord, that's a lot of work, and rare is the student who pulls it off.

And then there's me. Right now, I know less than nearly anyone about Corporations, but I'm beginning to understand the themes. I am beginning to comprehend the scope. I know what the exam questions will look like, even if I don't know the answers. Reading a case will never demonstrate the scope of the law. It may suggest a theme or two, but only in isolation, where it does you no good. A theme in isolation tends to be forgotten, or misunderstood. Take Contracts (since I know something of that, and nothing of Corporations). I've read some papers written by LL's, and was astonished to find that few, if any, understood that a unilateral contract is not a contract at all, but a solution to situations where one or more of the required elements of a contract are missing. Sometimes, in some courts, for certain reasons, the court will want to find a contract anyway, and the theory of unilateral contract might do just that. Yet, one student after another discussed a unilateral contract problem as if it were a contract. Why? Because when they got to the unilateral contract cases, they forgot all the cases that had come before, and focused on the elements, in isolation. Now, we study offers Acceptance. Consideration. Students, being by and large human, tend to focus on whatever they're told to focus on: Offer. Acceptance. Consideration. It's human nature to want to focus, but can a person learn this way? Of course. Millions have already. Does that make it wise? Hardly. You can learn Spanish by reading Don Quijote, or by speaking with Spanish-speakers. You learn by trying to write a letter or a poem to a pretty Spanish girl. You listen to Molotov or Julio Iglesies. You go dancing at a club in Queens. You watch Almodovar movies. You try to integrate the Spanish language into your life, and then, when you've done that, you read Don Quijote. Reading Don Quijote is like reading a case. First, you try and think of the law in real terms, like a lawyer. Imagine a problem. You rented a boat with no oars. Your mail-order bride doesn't speak English. Your blimp crashed. You're being fired from your job for praying too loud, or, because it was Satan to whom you prayed - you're not sure. And then you do research, like a lawyer would. Hornbooks, Lexis, practice guides are particularly nice, not to mention free (on Lexis and Westlaw). And because you need to remember a lot of law when you sit for your exam, you drill yourself with flashcards and hypo's. And you do that over, and over.
The MBE Is Now The "Key" To Passing The NY Bar Exam...

For Press Release September 24, 2004

The New York Board of Law Examiners announced today that the passing score on the New York State bar examination will be increased from the current score of 660 to 675 on the scale of 1000. The increase will be phased in as follows:

<table>
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<tr>
<th>Exam Date</th>
<th>New MBE Passing Score</th>
<th>Overall Passing Score</th>
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<tr>
<td>February, 2005 Exam</td>
<td>132</td>
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<td>140</td>
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*In the report of the Committee on Legal Education in opposition to the increase in the passing score, it was noted that because "the New York essay section is scaled to the MBE, improved essay writing will have no effect on the passing rate unless accompanied by improvement on the MBE." As quoted from a psychometric study conducted by Dr. Stephen P. Klein, Ph.D. ("Klein Study") for the Board of Law Examiners.

New York Law Examiners Raise MBE Passing Score From 132 to 140!

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WHERE WE STAND

(fsn't from page 1)

favors by allowing students to stay who are below or squeaking just below a 2.1 GPA. "We know that the bottom 10% consistently does not pass the bar," Matasar said in the article. One of the improvements envisioned by Dean Matasar in 2001 is now embodied in the Comprehensive Curriculum Program (CCP). Perhaps in part as a milestone, the program's slogan, "The Right Program For Each Student," seems like a feeble attempt to put up a slick facade. In fact, the CCP is not for each student; it is specifically designed for students whose grade point average places them in the bottom 25% during the first year of law school. Additional information about the CCP is available on the school's web site.

In a recent interview, De Novo editors had the opportunity to hear Dean Matasar elaborate on his current vision for the school. According to Matasar, one of the advantages of NYLS is that it cares about every student. He reiterated that the goal of the CCP is to help students, rank them in the top 20 law reviews and other academic programs for our top students and now we have the CCP for those in the lower 25%. Our next goal is to develop programs for the students in the middle ranks. According to Matasar, research centers and areas of specialization are being considered as programs that focus on the needs of the rest of the student body, with majority who is neither at the top or the bottom. He also stated that the CCP will be actively monitored and developed to ensure that its goals are being achieved.

So where are we now? The 2005 U.S. News & World Reports rankings (www.usnews.com) are divided into the top 100, which represents the first and second tiers; then a third tier and a fourth tier. The numbers one, two, three, and spots in the 2005 rankings are held by Yale, Harvard, and Stanford, respectively. Columbia and NYU rank fourth and fifth. Other local schools in the Top 100 are Cornell #12, Fordham #34, Cardozo #53, Brooklyn #67, Rutgers #72, St. John's #77, and Hofstra #89. NYLS is in the third tier along with Syracuse, Pace, and Albany Law School. Local fourth-tier schools include CUNY and Touro. The only 2005 U.S. News top five school that is also top five in the other major rankings is Harvard. For example, U.S News ranks Yale as number one, EQR and Insider's Guide to Law Schools agreed with the number one ranking, but Gourman rates it number three, and Justice Brennan rates it number 14. Stanford doesn't even make Brennan's list, which only ranks the top 20 law schools.

The U.S. News rankings have been in existence for nearly 15 years, and there is little doubt that U.S. News has the selling of magazines as its primary objective. Rankings have become a profitable sideline for the U.S. News organization. In addition to ranking undergraduate schools, it also ranks hospitals, automobiles, and mutual funds. There are many criticisms aimed at law school rankings in general, and the U.S. News & World Reports formula in particular. The factors used by the U.S. News ranking system consist of both subjective and objective factors. The factors based on objective actuarial data focus are average LSAT score and undergraduate GPA of a school's incoming class and the bar passage rate and placement rank of its graduates. The fact that the rankings are flawed is irrelevant if everyone believes the hype. The U.S. News evaluation system does not consider factors such as the educational benefits of attending a particular school (including attention or area of specialization) or the quality of its faculty (many NYLS faculty members are widely recognized as experts in their fields).

If rankings matter to you, then the school is doing something right: NYLS rose from fourth tier to third tier in 2001 and has consistently maintained its ranking. If you don't care about rankings, you should still find much about NYLS to make you proud. Take a look at the display case of faculty publications or the many premier events hosted by the school or the awards won by the Moot Court Association. We can complain about the cafeteria food or the elevators but according to Matasar, while things may not be perfect, there is a sincere desire and effort to improve the things that matter - classrooms, the law library, and the availability of electronic resources. In Dean Matasar's words "Who but us will be for us?"
WHY I'M GLAD I'M NOT ON LAW REVIEW

(cont. from page 3)

History is nothing if not ironic, for neither 2001 nor 1993 were new experiences in America. On September 16, 1920, a horse-drawn wagon stopped near 23 Wall Street, the offices of J.P. Morgan, where roughly 100 pounds of TNT, resting on the wagon floor above the left rear axle, exploded, sending five hundred pounds of fragmented iron sash weights into the morning crowd. Hundreds suffered unspeakable injuries, and the thirty who died instantly died violently, many decapitated. Automobiles were thrown into the air, and the shock waves shattered thousands of plate-glass windows, as far as a half-mile away, the shards of glass causing still more death and injuries. In the subsequent investigation, the focus was on immigrants. The blacksmith who made the shoes had been trained abroad. Eyewitnesses said that the driver was also Jewish or Italian, an "East Side peddler-type," or a "greasy fellow." One noted a broad Scottish accent. The man had as many ethnicities and religions as there were eyewitnesses to describe him.

In 1959, when Justice Harlan decided that the First Amendment had to give way to the needs of whatsoever witch hunt, so long as it bore the name "national security," the façade at 23 Wall Street, a few blocks from his alma mater, our own New York Law School, still showed the inc-deep scars from 1923. If his recollection seemed understandable, consider Justice Brandeis' concurrence in Whitney v. California. The Communists Harlan so feared never attacked America, but the arguments in Whitney took place less than two years after the attack on Wall Street. Surely, that horrible day was on the mind of Brandeis as he wrote his opinion. Yet, it was Brandeis, not Harlan, who embraced freedom:

"Those who won our independence ... believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile ... that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of the people to freedom and virtue is not the only Way, it's only the most direct way."

Justice Harlan's opinion in Barenblatt ignored Justice Brandeis' earlier wisdom, and America, as a result, pursued one of the most lamentable and ill-conceived witch-hunts since the days of Salem. Today, as we yet again respond to threats with fear and hatred, I would never want to call myself a Harlan scholar, for that suggests that I, too, have forgotten the mistakes of the past. I would be proud to borrow the name of Mr. Brandeis, but he didn't attend New York Law School. It's a shame that as we look to the past, and to our own New York Law School, we feel compelled to look no further than our own backyard.

Alexander and the 'embile, Horrible No Goood, Very Bad Way to Study

(cont. from page 8)

Again. The Way is this: Don't go to class. Don't read what they tell you to read. Now, take a look around you in class, in the library. You won't have to look too hard to find someone underlining passages in a casebook. This diligent student is neither hasty nor careless in his underlining. With mathematical precision, ruler in hand, this young Alexander conquers the world with his flawlessly perfect lines - all of equal length and width. Nothing irrelevant is underlined, or, if it is, it is still underlined very neatly. The neon girl next to Alexander can't help but roll her eyes. Sure, Alexander's lines are perfect, but they're all the same color! It's not that NeonGirl dislikes the greyness of Alexander's penciled lines - though they are pretty drab. What gets Neon is that Alexander spends so much time making all his lines perfect, but, when it comes to writing, it's not clear why anything has been underlined. Sure, you could go back and read it again, but that's not too efficient. Neon, with her 23 fluorescent highlighters has a much better system. Anything the teacher points out in class is highlighted in green. Anything that sounds important but isn't part of the case is highlighted in orange. Dica is yellow. Important passages in dissenters are blue. Restatement provisions are indigo. Neon's system is foolproof (unless her books get wet).

And then there's me. I don't buy casebooks. I sometimes underline, and I sometimes use highlighters. Green is because I had a green highlighter, but when it changes mid-sentence to blue, that's because the green ran out and I found a blue highlighter. So, Whose way is best? I save money but not buying casebooks, and I save time by not reading cases. I get mostly A's, but, on the other hand, Alexander has been developing an alternate skill. If the law doesn't work out, he could always get a job as a graphic design artist. The Way is not the only Way, it's only the most direct way.

Too many students spend too much time memorizing, outlining, underlining and otherwise dealing with the Law as if it were this sacred thing that one must know. Any time you find yourself doing this, remember RainMan. He memorized everything, and spent all his free time watching Judge Wapner and driving around in circles. Sure, he knew the Law, but he couldn't tie his own shoes. I have never spend so much as a minute trying to memorize anything in law school, yet, at this point, I can't remember how many A's I've gotten. I suppose, quite a lot. Why? Because rather than memorizing a damn thing, I spend an ungodly amount of time thinking about the law.

The Way teaches us that in law school, the Law should never come first. You could spend all your time studying, taking notes in class, transcribing and collating your notes at home, and heading out to rallies and protests and wherever law students tend to be. Instead, find something else to do. Something that allows you to forget, to cease to think about the law, about grades, about jobs, about anything and everything that has even the faintest connection to the law. Sex, however, is an exception, and so the Law is not real; Life, however, is, and living people make better lawyers. and are more likely to be hired, than typical law students.
THE GAME PLAN  
(cont. from page 4)

Why would anyone wait until his or her final year to take advantage of any and all the opportunities that arise to "connect" with someone who already practices as an attorney. You have to network. That's probably one of the things that they don't tell you in undergraduate school. But for those who came to law school after years in the workplace, or for those of you in the Evening Division who are presently working, you know that's part of the reality of finding a position. This is true for all careers, not just legal ones.

In other words, the attorney or law student you meet at a volunteer activity, a student organization activity, a networking event, an alumni event or any other situation where lawyers congregate is a potential contact that somewhere down the road may lead you to your first legal job. Is this work? Yes it is. But nothing worth having comes easy or free. This is not to say that the only reason to participate in any event is to network - but there's nothing wrong with building connections, while simultaneously gaining legal experience. In fact, that's the name of the game.

So what's your game plan? You either play the game, or the game plays you. Don't get played.

Start planning for your first legal job now.

ONE MORE THING - STOP "DISS-ING" THE SCHOOL

It's a shame to have a community within the school that is openly derisive about the school. Make the most of it and make it into the best school it can be. It is not logical to expect others outside of NYLS to hold it in high esteem if many members of its own community fail to do so. Who would hire someone that speaks ill of the law school she attends? That's not even showing a good "game face," so why would a future employer want to hire you? Think about it!

CONGRATULATIONS JOE!

De Novo would like to congratulate one of its own – Features Editor, Joe Griffin, who recently took first place in the NRA Civil Rights Defense Fund's 2003-2004 Law Student Essay Contest. Ironically, Joe’s essay, “The Tortured Second Amendment: Guns for Tots,” is a scathing attack on the NRA’s approach to Second Amendment jurisprudence.

Other school publications feature news updates on the Faculty, but we’d like to hear what YOU, our fellow students have been doing. Too often, students don’t enter contests or apply for awards because they don’t know about them, or they think they have no chance of winning. But, as we say at DeNovo, if Joe can do it, anyone can!

So send us news of anything happening in your lives that you’d like to share with the larger community. Jobs, births, weddings, awards, honors - anything at all that will allow us all to be more of a community and less of an institution.

--De Novo Editors

1 The De Novo Editors are debating the usage of the pseudo-verb "dis-sing." What do you think NYLS community? Should we have used this word in a newspaper? Send us your response at denovoeeditors@nyls.edu.
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ASK FOR BRIAN
It seems strange to think about summer plans now, as we slip and slide about the icy, snow-covered streets. Nonetheless, the time for summer plans is upon us. For a select few, the summer will be spent at large, soulless law firms. Many more will work for our equally soulless government. This pay's not quite the same, but it's a job. Surprisingly few students will do what I did - study law atop the Acropolis.

Now, I won't lie about the drinking or carousing, about the tours, the cruises, and the endless nights turning to mornings turning to excuses to cut class. And yes, I acted out a part in a Greek play, beer in hand, as part of Comparative Constitutional Law, and got credit for it (and an A). Still, there are practical reasons to study abroad. First of all, it's something else to put on your resume - something different. Different can be a real asset, especially if you work with people, with little more than a college degree and a summer or two at their father's friend's firm, competing for the same job.

And, if you study abroad with a law school ranked higher than NYLS, you can put that on your resume, too. You have the opportunity to study with very prestigious teachers, like Justice Scalia, who teaches every year in Greece, or Justice Kennedy, who teaches in Belgium. Superficial people are impressed by such things. It won't help you in your career. But it might allow you to take more courses that you want, to do less reading, to do less writing. You might also study courses that you wouldn't otherwise be able to study - courses that either sound impressive, or are directly related to what you want to do after graduation. For instance, NYLS offers courses in EU law, but you could study EU law in Europe, with the people making that law, and again, you could describe that experience on your resume.

For those of you who have never been abroad, it's an especially good idea. The law is all about perspective, and no matter how high your grades or your IQ, your perspective is only as broad as your experience. Some lawyers realize this, and therefore value experience abroad, regardless of the nature of their legal work. For firms that have offices and or clients overseas, the premium placed on overseas experience goes up exponentially. Obviously, a few weeks or months abroad is not a substitute for a longer stint, but when it comes down to you and the guy who's never been East of the Hamptons, who do you think is going to come out on top?

There are yet more reasons to study abroad, reasons that are seldom mentioned, but well worth considering. First of all, you need 86 credits to graduate. For most full-time students, that works out to roughly 12-17 credits each semester. That's a lot, especially if none of your credits are pass-fail. Consider my schedule, as an example. Last Spring, I took 15 credits, and sat for five exams. My exam period was hellish: one exam on top of another. This Spring, however, I'm taking 12 credits, and only two exams. The first exam is a week after the last day of classes, and the second exam is a week after that. It makes getting good grades a lot easier, and it's not nearly as stressful. The lighter load will allow you to have a more carefree semester, to spend more time on things like internships and jobs that may help you after you graduate. And when you start the semester knowing that you have but two exams, the whole semester is more laid-back. This is good for your health. It's good for your grades, and for your ability to learn. And if you meet a nice girl in Europe, it's a lot easier to go see her in the middle of February, when most everyone else is in a state of panic about their hectic schedules. For me, that's one of the best reasons to do this.

Law school is inherently unhealthy, and drinking is not a solution. Don't get me wrong - beer is a marvelous, wonderful thing, and I encourage everyone to share a pint or two on the weekends (so long as you don't talk about law school, the law, or your career). It's possible to go to law school and remain healthy, but it's not easy, and I don't know many people who do it well. And the moment you graduate, the Bar demands that you shift into even higher gears that you never knew existed. And then you start your new job - if you have one. If you graduate with a job in hand, odds are you'll have no time to have a job in hand. Consider law school. You'll find yourself looking back with nostalgia on the days when you thought boring lectures or difficult exams was a lot to cope with. If you don't have a job, you'll have to look for one, which is itself a stressful job. Statistically speaking, lawyers are more likely than postal workers to be depressed, even suicidal. Lawyers change jobs more often than people in other areas, and do so more often because they are unhappy with the job they have. They're also pretty likely to leave the law altogether. How does a summer abroad help with any of these problems? Aside from making your life easier (not financially, but in most every other way), it can be awfully relaxing. When I got back last August, after two months abroad, I was in a very good place. I was tan, sure, but more importantly, I was grounded. I felt like a person again. I suppose I got lucky, because nearly all of the 130 people tramping about the Mediterranean with me were all pretty great. They came from law schools all over the country, and it was good to interact with people whose experiences were different. But mostly, it was mentally, physically and spiritually restorative to wander around Europe all summer.

If none of this convinces you, or if the money seems too much of an obstacle, consider this. You can sublet your apartment. Tens of thousands of students come to New York for the summer. It's easy to find them online, especially if you look through college sites. Even if you live outside the city, you can do it. I advertised my studio in Bay Ridge (that's Brooklyn, for the disinterested) at Brown University (my friend posted it there for me). Within a week, I had ten offers. I was able to demand very detailed references, and had I been willing to do it (it seemed unethical, but plenty of people do it), I could easily have charged more than my actual rent. I was paying $670 a month, and people offered me twice that, since Manhattan was so much higher. Once you get to Europe, your costs of living drop substantially, even with a bad exchange rate, such as we have nowadays. In Greece, we paid no more than 3 Euros for a bottle of terrific, Greek wine (and Greek wine, while not well known in the States, is exceptionally good). In Italy, where wine is considered a staple, we stacked up on the 2 Euro bottles we found in Sorrento. Little did we know that in Barcelona, the good wine could be...
had for only 1 Euro and the good enough wine for 50 cents. It was a wonderful summer!

There are other, more subtle advantages, but first, consider the disadvantages. You won’t be able to work. This means spending a lot more money, while earning none at all. For most of us, in terms of work, that’s the extent of the disadvantage - money. But if you’re one of the lucky few who have a shot at a prestigious summer associate position, or a clerkship, then summer abroad probably doesn’t make much sense. For most of us, however, our summer jobs are the same every summer, in name or in nature, as the work we do during the school year. More of the same doesn’t do much to boost your credentials. Myself, for example, I gave up not one but three summer jobs. I lost money, but not experience, however, because two of the jobs I’d done before, and the third I was able to postpone until the Fall.

There are a lot of programs out there, and you can easily find information if you look online (try the ABA site, but really, there’s information everywhere). My program was the "Mediterranean Experience," run by the University of Miami’s School of Law. For about $6,000, I got six credits, taken over two months (most programs last about a month). The six grand included all of my books, as well as lodging, and some meals for all but one week out of the nearly two months. It also included many more guided tours than I managed to personally attend, as well as several nights where we had a special dinner and/or open bar. Also included was a week-long, all expenses paid Greek cruise. And to give you some perspective, incredibly, six credits at New York Law School would have cost about the same six thousand, without so much as a Happy Meal included. Of course, keep in mind, if you’re aiming to graduate with honors, the credits you take in a program like this are not included in your overall GPA - all you get are the credits. For most people, this is a good thing - they don’t have to worry about the grade. But if you’re trying to improve your standing, these courses won’t help.

So, as you start to think about the summer, and the courses you’ll take next year, ask yourself this: is anything you could do this summer in New York so unique that it beats studying Machiavelli in Rome?